

Alan L. Braun, M.D., F.A.C.P.
1516 Friendship Rd.
Jefferson City, MO 65101-9785
April 28, 1995

Federal Communications Commission
Washington, D.C. 20554

re: RM-8626

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MAIL ROOM

Dear Sir:

Enclosed are comments on the above referenced petition, which I have prepared on behalf of both myself and the Mid-MO Amateur Radio Club of Jefferson City, MO. I can be contacted at the above address or at (314) 636-7183, my business phone number, if there are any questions concerning these comments.

Sincerely,



Alan L. Braun, M.D., F.A.C.P.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the matter of

Amendment to Part 97 of the
Commission's Rules to Eliminate
Certain One-Way Communications in
the Amateur Radio Service Medium
and High Frequency Bands

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RM-8626

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MAY 11 1995

MAIL ROOM

To: the Commission

**COMMENTS OF THE MID-MO AMATEUR RADIO CLUB, INC.
AND ALAN L. BRAUN, NS0B**

These comments are filed by the Mid-MO Amateur Radio Club (MMARC) of Jefferson City, MO, and by Alan L. Braun, NS0B, in response to the petition by Frederick O. Maia, W5YI, asking that certain one-way transmissions in the amateur medium and high frequency bands be prohibited. We are opposed to this petition and ask that the Commission deny it.

1. The Commenters

The MMARC is a general interest amateur radio club that has functioned continuously in the Jefferson City, MO area since the early 1950's, and currently has 65 members. Most active amateur radio operators in the Jefferson City/Cole County area belong to it. The MMARC is a Special Service affiliate of the American Radio Relay League (ARRL). Alan L. Braun is the holder of Amateur Extra Class license NS0B, and has been a member of the club since first being licensed in 1985. He has held various offices in the club, including its presidency, and is also a member of the ARRL.

2. The problem addressed by this petition

Under Section 97.111(b)(5-6) of the current rules, one-way transmissions are permitted for purposes of "assisting persons learning, or improving proficiency in, the international Morse code" and to "disseminate information bulletins". There are only a few amateur stations which perform these functions on a regular daily basis, the most prominent of which are the headquarters station of the American Radio Relay League (W1AW) in Newington, CT, and Glenn Baxter (K1MAN) of Belgrade Lakes, ME.

Over the years, various amateurs have complained that these stations, which generally operate according to fixed, published schedules, create interference with previously-established 2-way communications on some of the frequencies they use. For the most part, these complaints have been of a minor degree and have been resolved easily. For example, W1AW has relocated the frequencies used for its code transmissions several times over the last few years in response to such complaints.

The current petition is a response to a problem involving K1MAN and a group of amateur operators in the Southeastern U.S. K1MAN has for several years operated a bulletin service on behalf of the "International Amateur Radio Network", of which he is a founder and board member. The original frequency Mr. Baxter used for this was 14.275 MHz, although he added a second frequency, 3.975 MHz, at some later time. He generally transmitted these bulletins for just a few hours a day and did not create major interference problems, although we understand that the Commission has taken note of his activities in the past and has fined him at least once for transmitting material that did not relate to amateur radio.

A combination of factors, partly seasonal and partly related to the approaching sunspot minimum, have conspired to render K1MAN's 14.275 MHz frequency relatively unusable in the evenings over the last six months or so, while at the same time greatly increasing the range of coverage of the 3.975 MHz frequency. This led to a substantial interference problem between him and members of the Georgia Single Sideband net, who use this frequency for round table discussions after their net is finished. Both parties, with some justification, feel that there is no other place to which they can move their operations in the crowded 75-meter voice band, and have therefore refused to move. K1MAN responded to this by greatly increasing his hours of operation and by filing a number of "Felony Complaint Affidavits" against the southeastern amateurs with the Federal prosecuting attorney in his Maine jurisdiction. The southeastern amateurs, in turn, have scheduled additional net operations including a "Best of 75" net which hosts various notable amateur radio personalities, the first of whom was Mr. Maia, the petitioner. The interference level on 3.975 MHz has thus reached such a level that very little useful communication is occurring. Mr. Maia's petition, on the surface at least, is an attempt to resolve a problem that has resisted other proposed solutions. Unfortunately it creates some problems as well.

3. New problems that would be created if this petition were adopted

The effect of this petition would be to close down the bulletin and code practice services currently provided by W1AW and K1MAN, among others. Mr. Maia alleges in his petition that "there are plenty of other methods of communicating general information to amateurs ... Similarly, code practice is now easily accomplished via software training and simulation programs." The methods he cites all share computers as their method of implementation. Based on our experience, we feel that Mr. Maia's arguments are largely invalid.

Within our club, only about 30-40% of the members have access to computers at home. A smaller number, perhaps 15%, are equipped for packet radio, which generally requires both a computer and specific amateur radio gear. A similar number, perhaps 15%, have access to computer on-line services. We do not have an Internet provider in our area that is accessible by a local phone call; they all are out of town and require toll charges.

For these reasons, the alternative methods of disseminating bulletin information which the petitioner mentions are inaccessible to the majority of our members, most of whom DO have high-frequency radio equipment capable of receiving W1AW and K1MAN. For the same reasons, code practice by computer software is not available to the majority of our members, most of whom can listen to the W1AW transmissions. In the case of code practice, I feel, based on my experiences in teaching Morse code to prospective amateurs, that software and simulations are not adequate in any case. People tend to memorize tapes after they have listened to them a couple of times, thus reducing their usefulness. The code practice modes built into many so-

called "memory keyers" suffer from the same limitation. Computer software programs, at least those I have seen and used, do not reproduce the fading, atmospheric noise and interference that are experienced in listening to W1AW and during real life operating, and therefore do not really prepare people for "getting on the air" the way that over the air code practice does. Using VHF modes to provide code practice, as suggested in the petition, is not satisfactory either, as its range is generally limited to line of sight, and very few amateurs (certainly none in our area) have the time and resources needed to produce regular code practice that could be sent on those frequencies.

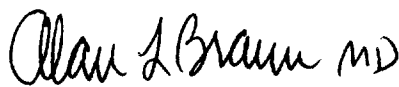
What is the extent of disruption that would be caused by closing W1AW's code practice and bulletin service? To answer this, I took a survey of those attending the Mid-MO ARC meeting of April 6, 1995. Of the 39 persons (all active amateurs) attending, 20 have used W1AW's code practice and/or bulletin services. Only 4 had ever even heard of K1MAN, and no one had personally experienced any interference from him or from W1AW. I suspect that other groups in other parts of the country would be able to report similar statistics. Thus, while only a small group of southeastern amateurs would be directly assisted by this petition, it would have harmful affects on a much larger amateur population. This does not even take into account those who use the retransmissions of NASA ground-to-earth activity during the space shuttle missions, and other specialized one way broadcasts used for educational purposes.

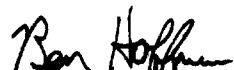
4. Frederick O. Maia's (W5YI) conflict of interest in this matter

We feel that Mr. Maia's motives in bringing this petition are not entirely altruistic. As he notes, he is the publisher of the "W5YI Report", a biweekly subscription publication which is sold through the mail for \$29.95 a year. What Mr. Maia does not mention is that the ARRL's bulletin broadcasts on W1AW represent the only effective competition he has in distributing general amateur radio news. W1AW bulletins are much more timely than his newsletters are, so most of what he prints is "old news" to those who copy the W1AW bulletins. If his petition is successful in closing down W1AW's bulletin broadcasts, his main competition will be gone and he stands to gain significant income through additional subscriptions to his newsletter. In addition, Mr. Maia's business also sells code practice tapes and software, the market for which would also be increased as a result of this petition, since over the air code practice would, for all practical purposes, no longer be available.

5. Summary

We feel that this petition represents a draconian approach to what is actually a localized problem affecting a relatively small number of people. The proposed solution, on the other hand, has far-reaching implications that likely will affect a significant portion of the amateur radio population. Furthermore this petition, if approved, may well have a favorable effect on the personal finances of the petitioner, who earns his living from a business whose activities are related to the ones addressed by this petition. We therefore request that the Commission deny this petition.


Alan L. Braun, M.D. (NS0B)


Ben Hoffman (N0OFD)
President, Mid-MO Amateur Radio Club